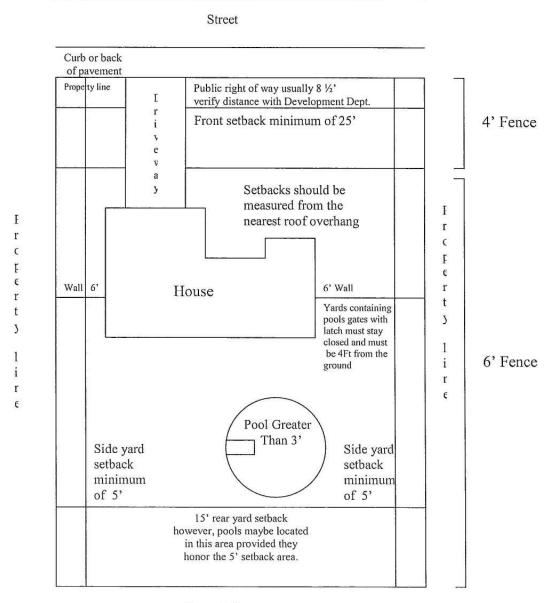
FENCE PERMIT

- 1. SITE PLAN
- 2. PLAN REVIEW APPLICATION
 ADJOINING PERMISSION LETTER (IS
 IT ON THE PROPERTY LINE?)
- 3. HEIGHT OF STRUCTURE
- 4. SET BACKS
- 5. \$10.00 FEE

APPROVED RIGHT AWAY

Sample Site Plan

4' fence height max allowed in the front setback area, 6' allowed in the remaining yard area. Corner lot fencing may not exceed 3' in height if located in clear sight triangle.



Property line



Residential Building Permit & Plan Review Application

City of Rio Rancho Development Services 3200 Civic Center Circle NE, 1st Floor

3200 Civic Center Circle NE, 1st Floor Rio Rancho, NM 87144 (505) 891-5006 Fax: (505) 896-8994

Permit #____

Fees (non-refundable)		Model #	
Application fee is 65% of Building			
Total Fees Collected:			
☐ Yes, I would like to contribute \$	\$75.00 to the Rio Rancho Econon	omic Development Corporation.	
Property Information			
Acreage of property:		Height of Primary:	
Width of Front Yard Setback:		SQ. Ft. of Primary:	
Physical Address			
Address:			
City:		_State:	
Legal Description			
Subdivision/Unit:		Block:Lot:	
Tract/Parcel:		Zoning:	
Description of Work			
☐ New Construction	☐ Addition	☐ Residential Alteration/Repair	
☐ Fence ☐ Shed	☐ Demolition	Swimming Pool/In-Ground	
	☐ Interior Renovation	☐ Well # ☐ Septic #	
<u>Dimensions</u> – Set Back(s)			
Front:		Rear:	
Sides: Left		Right:	
Proposed use of property:			
Valuation:		Gross floor area:	
Height of structure:	No. of Stories:	(Pool Only) Gallons:	

Homeowner/Agent Inform	nation			
Name (Print):				
Address:				
City:				
Phone:	Email:			
Contractor Information				
Name (Print):			License#	
Address:				
City:				
Phone:	Email:			
I, the undersigned, understand the	ne above application procedure	e and agree to comp	oly with conditions of same.	
Name (printed)			Date	



Development Services Department 3200 Civic Center Cir, Suite 130 Rio Rancho, New Mexico 87144 Office 505-891-5005 Fax 505-896-8994

Procedures For Constructing A Fence

- 1. Locate property tines or location where fence is to be placed.
- 2. On Site Plan, draw a sketch of fence location and a cut-a-way section of the fence. Show height, width and construction technique.
- 3. If fence is a retaining wall and intended to contain 3 feet or greater of earth, an engineer must approve it.
- 4. Bring drawings and stamp of engineer's approval (if necessary) to City Development Department for approval. A \$10.00 fee will be assessed.
- 5. Once you obtain a reviewed and approved site plan and site plan review application, begin construction.

Guidelines For Building A Fence

- Fences may be up to 6 feet in height when placed at or behind the front setback
- Fences may be up to 4 feet in height when placed within the front setback area but not including the City right-of-way.
- On corner lots, the Clear Sight Triangle may not be obstructed. Fences may be up to 30 inches in height above the street level when placed in the clear sight triangle.

- A fence 6 feet in height is required around all swimming pools with a depth greater than 3 feet. A latch at least 4 ½ feet from the ground and self closing gates are required at all fence or wall openings. A yard will suffice as a swimming pool fence.
- Please see attached Fence Ordinance for more Information
- If building on the property line you must obtain written consent from any adjoining neighbor it is affecting.

The following form must be completed if you are building on the common property line. It must be filled out by any adjoining neighbor that it effects.

- (2) Loading and unloading areas shall be located and designed so that the vehicles intended to use them can maneuver safely without obstructing or interfering with any public right-of-way, parking space, or parking lot aisle.
- (3) No area allocated to loading and unloading facilities may be used to satisfy the parking area requirements of the development or vice versa.
- (H) Recognizing that the parking requirements set forth in this section cannot cover every possible situation, the Department of City Development is authorized to determine the parking requirements using this section as a guide.
- (1) Whenever the department allows or requires a deviation from the parking requirements set forth herein, it shall record the parking requirement that it imposes and the reasons for allowing the deviation.
- (2) If the department concludes, based upon infoiniation it receives in consideration of a specific development proposal, that the requirements for a particular use classification is in error, the department shall initiate a request for an amendment to the table of parking requirements as set forth herein. (Ord. 02-004, § 9-1-20)

§ 154.21 FENCE REQUIREMENTS.

(A) For the purpose of administering and enforcing this section, the following definitions shall apply unless the context clearly indicates or requires a different

meaning.

COMMON FENCE. A fence that straddles a property line. For the purposes of this section, it is assumed that common fences are jointly owned in their entirety by each property owner and that initial construction of and any modifications that require city approval beyond typical maintenance requires the written permission of each property owner.

ELECTRICAL FENCING. A fence consisting of wires charged with electricity serving to confine domestic animals or livestock.

FENCE. A vertical structure taller than 1 foot, not more than 20 inches wide, which forms a barrier built for the purpose of protection, decoration, confinement, enhancement of privacy, and in some cases, built for safety.

RETAINING WALL Any structure that is intended to retain more than 18 inches of soil or similar material

SWIMMING POOL FENCE. A fence that is six feet in height that serves to limit access for safety purposes.

- (B) Construction materials for fences include common construction materials such as wood, masonry, adobe, chain link, wire mesh, or other materials approved by the Department of City Development. Barbed wire, concertina wire, or similar material is only appropriate in the E-1/Estate Residential District where it may be used to confine horses or in M-1 and C-2 zones. Broken glass in/on fences is strictly prohibited.
- (C) Fences may be placed anywhere within a lot, parcel, or tract of land within the city as specified herein. Fences may not be placed beyond property lines. Fences in the public right-of-way are strictly prohibited. Placement of a fence within an easement requires written permission of the grantee to which the easement is assigned. Fences on nonresidential properties may not be placed in the front setback area without an approved conditional use permit.
 - (D) Maximum fence height varies with the location of the fence on the property.
- (1) Fences allowed in the front setback area can reach a maximum height of 4 feet, except that fence height on corner lots must conform to the specifications under clear sight triangle, as defined in § 154.03.
- (2) Fences built within the side yard setback, behind the front setback to the rear setback can be a maximum of six feet.
- (3) Fences built outside the setback area within the buildable area of a lot, parcel, or tract may reach a maximum height of eight feet.
- (a) The maximum fence height on nonresidential property is six feet where it abuts residential property, along the rear or side property line. Fences may be built to a height of eight feet in this situation with an approved conditional use permit.
- (E) (]) Fence height is measured from grade where the fence is located. It is considered a subterfuge of the ordinance to pile or berm dirt or other materials and attempt to measure a fence from the top of the berm or from the top of a "pseudo" retaining wall. It is however, allowed to fill in large areas of a lot, parcel, tract in order to achieve an overall or consistent grade, and then measure fence heights from that grade. A change in grade requires approval by the City Engineer.
 - (2) Fences may be placed on top of retaining walls and height will be measured from the grade

level of the retained	material	behind	the	retaining	wall	or in	other	words,	from	the	highest	soil	or	similar
material point.														

(F) Special fences.

- (1) Swimming pool. Fences are required around any swimming pool which is greater than 3 feet in depth or which exceeds 5,000 gallons. The pool must be enclosed on all sides by a fence or other barrier that provides an impediment of a least 6 feet thereby limiting access. In the event of a grade separation or the erection of an above ground swimming pool, the 6-foot minimum height is measured from outside the fence, while the pool is on the inside. Gates on pool fences are required to be 6 feet in height with a self-closing latch at least 4½ feet (54 inches) off the ground. In the case where a common fence cannot be used for a swimming pool fence, the swimming pool fence must be a minimum of 5 feet from the common property line fences.
- (2) Corner lots. Fences in the clear sight triangle as defined in § 154.03 may not be greater than 30% solid when viewed along a line of sight which is parallel to the hypotenuse of the clear sight triangle.
- (3) Residential fences that abut high intensity nonresidential or multi-family uses may be erected as follows: where a residential lot, parcel or tract abuts an arterial or collector street as defined in the comprehensive plan, multi-family or nonresidential zoned property, a fence may be a maximum of eight feet in height along the abutting side or rear property line, behind the front house line.
- (4) Buffer walls. Fences that are required with multi-family or nonresidential development must be erected and continuously maintained so that a six-foot opaque fence exists along the property lines that abut the residentially zoned property.
- (5) Electrical fencing may be placed only on the inside of a fence so that it is not accessible to adjacent property and requires a conditional use permit.
- (G) Approval process. All fences require a zoning plan review. If the fence is a part of a larger submittal, for example new home construction, the fencing plan review will occur at that time and is inclusive in the plan review fee. If the fence is an improvement to a developed site, a fencing plan review is required.
 - (1) Fencing plan review submittal should include the following:
 - (a) Application;
 - (b) Lot dimensions (sketch);

- (c) Location of existing structures, including retaining walls:
- (d) Location of proposed fence, proposed height, and construction materials (cross-section)

(H) Exemptions. This section does not apply to fences in existence before the effective date of Ordinance 93-006, except that on sale or transfer of the property on which a non-conforming fence is located, or except when the fence is declared a nuisance or hazard as determined by the Department of Cit- Development or the Traffic Safety Advisory Committee, such fence may be made to conform with the requirements of this chapter, or removed within 30 days of the closing or transfer or declaration of the fence as a nuisance or hazard. (Ord. 02-004, § 9-1-21)

§ 154.22 NONCONFORMING USES.

- (A) When, within the various districts established by this chapter or amendments that may be later adopted. there exist lots, structures, and uses that were lawful before this chapter was passed or amended but which would be prohibited under the terms of this chapter or future amendment, it is the intent of this chapter to:
 - (1) Allow these nonconforming uses to continue until they are removed;
 - (2) Not encourage their survival or perpetuation;
 - (3) Insure that the nonconformities shall not be enlarged upon, expanded, or extended;
- (4) Not permit the nonconformities to be used as a grounds for adding other structures or uses prohibited elsewhere in the same district;
- (5) Not permit the attachment of additional signs to the building or the placement of additional signs or display devices on the land outside the building or permit the addition of other uses if such additions are of a nature that would be prohibited generally in the district involved.
- (B) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in plans, construction, or designated use of any building in which actual and lawful construction had begun prior to the effective date or adoption or amendment of this chapter and upon which construction has been diligently carried on.
- (C) Existing buildings that are in violation of lot area requirements may be remodeled or repaired but may not be reconstructed or structurally altered unless made to conform to these requirements.

(D) If a nonconforming use is damaged or destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, then restoration must						
be for a permitted use.						



Development Services Department 3200 Civic Center Cir Suite 130 Rio Rancho, NM 87144 Phone (505)891-5005 Fax (505)896-8994

Fence Permission Letter

Date:		
I reside at	and I am	
the adjoining property owner. I am	granting written	
permission to my		
neighbor,	(of
(written name)		
(written address)		-
For the sole purpose of raising the	common fence between our	
properties. I have no objection to r	raising this common fence	
and I understand that I will not be	financially responsible for	
this activity.		
	Printed Name	
	Signature	